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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/883,302	06/19/2001	Jeffrey A. Bedell	53470.003004	9726

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EXAMINER

ALABAIDI, HAYTHIM J

ART UNIT	PAPER NUMBER
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2168

DATE MAILED: 03/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/883,302

Applicant(s)

BEDELL ET AL.

Examiner

Haythim J. Alaubaidi

Art Unit

2168

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. This communication is in response to the amendment filed on November 23, 2005.
2. Claims 1-24 are presented for examination following the amendment of November 23, 2005, of which Claims 1, 4, 5, 6, 10, 14, 16, 20, 21, 23 and 24 are independent claims.

### ***Response to Arguments***

3. Applicant's arguments in the amendment of June 22, 2005 with respect to the declaration of prior invention under 37 C.F.R. 1.131 have been considered and found persuasive. Hence, all prior Office Action rejections are here by withdrawn.

### ***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 20, 23 and 24 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

6. The basis of this rejection is set forth in a test of whether the invention is categorized as a process, machine, manufacture or composition of matter and if the invention produces a useful, concrete and tangible result. Mere ideas in the abstract

(i.e., abstract idea, law of nature, natural phenomena) are found to be non-statutory subject matter. For a method claim to pass muster, the recited process must produce a useful, concrete and tangible result.

In the present case, the medium was not disclosed in the Specification to be anything tangible such as a hardware or a CD-ROM for example; merely (non-functional OR functional) descriptive material that is not tangibly embodied is non-statutory.

7. To expedite a complete examination of the instant application, the claims rejected under 35 U.S.C. 101 (nonstatutory) above are further rejected as set forth below in anticipation of applicant amending these claims to place them within the four statutory categories of invention.

### ***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Brandon Buteau (U.S. Patent No. 6,442,557 and Buteau hereinafter).

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Regarding Claims 1, 4-6, 10, 14, 16 and 20-24 Buteau discloses:

a syntax pattern selector module for selecting a syntax pattern in an automated process (Figure No. 9 and corresponding text, i.e. the plurality of statements in the query window) corresponding to a desired function (Figure No. 9 and corresponding text, i.e. the “select” command is the desired function) a syntax standard for use in generating one or more query language statements (Figure No. 9 and corresponding text, i.e. the plurality of statements);

a statement assembly module for populating the syntax pattern in an automated process (Col 22, Lines 33-40) with an argument data set (Figure No. 9 and corresponding text, i.e. “where” command) associated with a desired data set (Figure No. 9 and corresponding text, i.e. “select” command) as part of the process of generating one or more query language statements (Figure No. 9 and corresponding text, i.e. “select”, “from” and “where” commands); and

whereby at least one query language statement is assembled to be run against a data source (Figure No. 9 and corresponding text, i.e. “from” command) to return the desired data set (Figure No. 10 and the corresponding text).

Regarding Claims 2, 9, 11, 15, 19 and 22, Buteau discloses wherein the syntax pattern selector module selects the syntax pattern from a plurality of syntax patterns (Figure No. 9 and corresponding text, i.e. “from” command in combination with the plurality of selections in the “from” command) corresponding to a plurality of database

management systems (Figure No. 9 and corresponding text, i.e. the selection of data from the plurality of tables throughout the database).

Regarding Claims 3 and 12, the limitations of these claims have been noted in the rejected claim 1, above. In addition, Buteau discloses selection variable (Figure No. 9 and corresponding text, i.e. "select", "from" and "where" commands).

Regarding Claims 8 and 18, Buteau discloses wherein the system is a component in a reporting system (Figures 9 and 10 and the associated text; see also Col 22, Lines 33-62).

Regarding Claims 13 and 17, Buteau discloses generating a query structure based on the desired data set, the query structure providing a basis for identifying the desired function (Figures 9 and 10 and the associated text, i.e. the customer contact information relating to certain location).

Regarding Claim 7 Buteau discloses the argument generator module identifies the argument data set based on a syntax description associated with the desired function (Figure No. 9 and the associated text, i.e. "where" would be the argument command to generate syntax description that is associated with the desired function of the "select" command).

***Other Prior Art Made of Record***

10. Fast (U.S. Patent No. 5664173) discloses a Method and apparatus for generating database queries from a meta-query pattern.

***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

***Points of Contact***

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haythim J. Alaubaidi whose telephone number is (571) 272-4014. The examiner can normally be reached on Monday - Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Vo, can be reached at (571) 272-3642.

Any response to this office action should be mailed to:

The Commissioner of Patents and Trademarks, Washington, D.C. 20231 or Faxed at our central fax number (571) 273-8300.


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Hand-delivered responses should be brought to the Customer Service Window of the  
Randolph Building at 401 Dulany Street, Alexandria, VA 22314



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Patent Examiner  
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